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May 14, 2008

VIA FEDERAL EXPRESS OVERNIGHT DELIVERY

Leslie J. Southerland, Esquire
Rhodes, Hieronymus, Jones, Tucker & Gable
100 W. 5th St., Suite 400
Tulsa, Ok 74121

RE: *State of Oklahoma, et. al. v. Tyson, et. al.*
Civil Action Number: 05-CV-0329-GKF-SAJ

Dear Leslie:

Enclosed is a hard drive containing materials pertaining to the State's expert witnesses. I am delivering this to you pursuant to our agreement that the State produce one copy of the State's expert materials to the Defendants, delivered to your attention on May 15, 2008. For each expert, there is a folder on the enclosed hard drive which contains three subfolders. The subfolders are: (1) C.V. etc. (2) Materials Considered and (3) Correspondence. Also enclosed with this letter is a list that identifies previously produced materials by bates number and indicates which expert witnesses have received those materials. The expert reports will be provided under separate cover from Mr. Bullock and Mr. Page.

The experts' C.V.s, publications lists, lists of prior testimony, and billing rate information have been bates stamped and placed in the "C.V. etc." subfolders. If there is not a separate publications list, list of prior testimony or billing rates for an expert, it is because that information is either contained in the particular expert's C.V. or because there is not testimony from the last four years or publications from the last ten years to list.

Most of the materials in the "Correspondence" subfolders, including emails and attachments to emails, are in PDF format and bates stamped. However, we did not receive all of the correspondence collections in time to process and bates number them in this manner, so some correspondence is being produced in its native format.

Each "Materials Considered" subfolder contains our best effort at recreating the file structure maintained by each expert to the extent the expert witnesses maintained their files electronically. Where possible, items in these subfolders have been converted to PDF format, or left in TIFF or JPG format, and each page has been bates numbered. However, file types that could not be converted and bates stamped, or which would not be as useful if converted (e.g. Excel spreadsheets, Access databases, ZIP files) are being produced in their native formats. Thus, these file types cannot receive a traditional page-by-page

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EXHIBIT

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bates stamp. Each of these items has been assigned a single bates number which is reflected as a prefix to the file name.

Due to the very large volume of this production, we were unable to process and bates stamp all of the expert materials and meet the deadline of May 15th. I have indicated below where you will find experts' materials were not bates stamped or given new file names with bates numbers in the prefix to the file name. For the experts that testified in the preliminary injunction hearing, the materials that they reviewed in conjunction with that testimony are also materials considered by that expert in forming his or her ultimate opinions in this case.

Due to the fact several experts will be working on their reports up until the deadline of May 15th, there may be materials that experts considered or correspondence that was created after our office gathered the collections of materials for processing. Due to the logistics involved in gathering materials from the expert witnesses and getting them prepared for production, it was simply not logistically feasible to gather items that, for example, an expert may have reviewed this week as this hard drive was being prepared for production. We will plan to follow up with each expert and if any materials were considered or correspondence was created after our office gathered the experts' collections for production, we will supplement this production accordingly.

The following is a list of the materials contained on the enclosed hard drive:

Darren Brown

- C.V. Subfolder: BROWNCV00000001 – BROWNCV00000002 are Mr. Brown's C.V. and billing rate information.
- Materials Considered Subfolder: BROWN00000001 – BROWN00000016 are materials considered by Mr. Brown. In addition to the materials contained in the Materials Considered Subfolder, Mr. Brown also reviewed the materials produced by CRA in conjunction with the Preliminary Injunction Hearing as well as documents identified on the enclosed chart from the State's scientific data production. Mr. Brown also considered Standard Operating Procedure 7-1.1, which will be provided to you via hand-delivery on May 15.
- Correspondence Subfolder: BROWNCORR00000001 – BROWNCORR0011580 are Mr. Brown's correspondence, including emails and attachments. Also contained in this subfolder is GIS data that was attached to email, but that we were not able to convert or mark with a bates number.

Lowell Caneday

- C.V. Subfolder: CANEDAYCV00000001 – CANEDAYCV00000002 are Dr. Caneday's C.V. and billing rate information.
- Materials Considered Subfolder: CANEDAY00000001 – CANEDAY00000068 are some of the materials considered by Dr. Caneday. Additional materials are included in this subfolder that we were not able to bates stamp and which do not have a number as the prefix to their file names. The items in this subfolder, in addition to PI-Caneday00000001 to PI-Caneday00002049, which were previously produced prior to the preliminary injunction hearing, together make up the collection of Dr. Caneday's considered materials.
- Correspondence Subfolder: CANEDAYCORR00000001 – CANEDAYCORR00000050 are Dr. Caneday's correspondence.

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Dennis Cooke and Eugene Welch (Drs. Cooke and Welch are submitting a joint report)

- C.V. Subfolder: COOKEWELCHCV00000001 – COOKEWELCHCV00000005 are Dr. Cooke's and Dr. Welch's C.V.s, prior testimony, and billing rate information.
- Materials Considered Subfolder: COOKEWELCH00000001 – COOKEWELCH00000002107 contains materials considered. In addition there are numerous files in this subfolder which are provided in their native format and which are not bates stamped and which do not have a bates number in the prefix of their file name.
- Correspondence Subfolder: COOKEWELCHCORR00000001 – COOKEWELCHCORR00003244 are correspondence. Drs. Cook and Welch did not maintain complete email records during their work on this case, thus we have done our best to try to gather emails to, from or copying Drs. Cooke and Welch from other individuals working on the case. We were not able to convert all of the attachments to these emails, and those we were unable to convert are in this subfolder in their native format.

Bernard Engel

- C.V. Subfolder: ENGELCV00000001 is Dr. Engel's C.V.
- Materials Considered Subfolder: ENGEL00000001- ENGEL0000535 are materials considered by Dr. Engel. In addition this subfolder contains materials considered by Dr. Engel that were not bates numbered and which do not have a bates number as the prefix to the file name; the materials that were not bates stamped are in their native file format.
- Correspondence Subfolder: Due to a computer malfunction, Dr. Engel no longer has any of his email communications prior to June 18, 2007. However, to the extent possible, we are providing other email to, from, or copying Dr. Engel during this time frame which we were able to recover from other individuals' email accounts. Dr. Engle's post June 18, 2007 email, and the email we have been able to gather from the other accounts are in this subfolder with a bates number as the prefix of the file name, but they have not been bates stamped.

Berton Fisher

- C.V. Subfolder: FISHERCV00000001 – FISHERCV00000002 are Dr. Fisher's C.V. and billing rate information.
- Materials Considered Subfolder: FISHER00000001 – FISHER00550934 contains materials considered by Dr. Fisher. A number of files contained within Dr. Fisher's materials considered are being produced in this subfolder in their native format and have not been given bates numbers. These native files can be viewed by using one or more the following programs: ArcView, ArcGIS, Surfer, CAD, Access, and ArcExplorer. An additional set of materials considered by Dr. Fisher will be provided under separate cover from Bullock, Bullock and Blakemore.
- Correspondence Subfolder: FISHERCORR00000001 – FISHERCORR000005260 are correspondence. We were not able to convert some of the attachments to email, and those are in this subfolder in their native format.

Valerie Harwood

- C.V. Subfolder: HARWOODCV00000001 – HARWOODCV00000003 are Dr. Harwood's C.V., prior testimony, list of publications, and billing rate information.

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- Materials Considered Subfolder: HARWOOD00000001 – HARWOOD000000091 are some of the materials considered by Dr. Harwood. There are also some materials in this subfolder that are not bates numbered and which are in native format. The items in this subfolder and PI-Harwood00000001 to PI-Harwood 00003572 which were previously produced prior to the preliminary injunction hearing, and the references cited in her report together make up the collection of Dr. Harwood's considered materials.
- Correspondence Subfolder: HARWOODCORR00000001 – HARWOODCORR000000084 are Dr. Harwood's correspondence which are produced in their native format and which have a bates number prefix to the file names. The State produced Dr. Harwood's pre-preliminary injunction hearing correspondence prior to the hearing. The email correspondence in the Correspondence Subfolder is Dr. Harwood's post-preliminary injunction email correspondence through Saturday, May 10, 2008.

Gordon Johnson

- C.V. Subfolder: JOHNSONCV00000001 – JOHNSONCV00000002 are Dr. Johnson's C.V. and billing rate information.
- Materials Considered Subfolder: JOHNSON00000001 – JOHNSON00000896 are materials considered by Dr. Johnson. Additional materials Dr. Johnson considered that have not been bates stamped are included in this subfolder in their native format.
- Correspondence Subfolder: JOHNSONCORR00000001 – JOHNSONCORR00000723 are correspondence. Additional correspondence that is not bates stamped is contained in this subfolder in its native format.

Todd King

- C.V. Subfolder: KINGCV00000001 – KINGCV00000002 contains Mr. King's C.V. and billing rate information.
- Materials Considered Subfolder: KING00000001 – KING00000301 are Mr. King's considered materials.
- Correspondence Subfolder: KINGCORR00000001 – KINGCORR00000278 contains Mr. King's correspondence.

Robert Lawrence

- C.V. Subfolder: LAWRENCECV00000001 – LAWRENCECV00000002 are Dr. Lawrence's C.V. and billing rate information.
- Materials Considered Subfolder: This subfolder contains materials considered by Dr. Lawrence that were not bates numbered, but were given bates numbers in the prefix of their file names. The items in this subfolder and PI-Lawrence00000001 to PI-Lawrence00000491, which were previously produced prior to the preliminary injunction hearing, together make up the collection of Dr. Lawrence's considered materials.
- Correspondence Subfolder: LAWRENCECORR00000001 – LAWRENCECORR00000082 contain Dr. Lawrence's correspondence.

Roger Olsen

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- C.V. Subfolder: OLSENCV00000001 – OLSENCV00000003 is Dr. Olsen's C.V. and list of publications.
- Materials Considered Subfolder: OLSEN00000001 – OLSEN0000009267 are materials considered by Dr. Olsen. In addition, there are materials in this subfolder which are produced in the native format and which are not bates numbered.
- Correspondence Subfolder: OLSENCORR00000001 – OLSENCORR00053577 are Dr. Olsen's correspondence. Some materials in this subfolder were not numbered and are produced in their native file format. The State produced Dr. Olsen's correspondence related to his preliminary injunction testimony prior to the preliminary injunction hearing. The email correspondence in the Correspondence Subfolder is Dr. Olsen's additional email correspondence.

Megan Smith

- C.V. Subfolder: SMITHCV00000001 – SMITHCV00000002 is Ms. Smith's C.V. and billing rate information.
- Materials Considered Subfolder: SMITH00000001 – SMITH0003318 are some of Ms. Smith's materials considered. Additional materials that were not bates numbered are also contained in the materials considered subfolder in their native format.
- Correspondence Subfolder: SMITHCORR00000001 – SMITHCORR0000001056 contains some of Ms. Smith's correspondence. Additional email that was not bates stamped is also included in the correspondence folder along with native file attachments that could not be bates numbered.

Jan Stevenson

- C.V. Subfolder: STEVENSONCV00000001 – STEVENSONCV00000002 are Dr. Stevenson's C.V. and billing rate information.
- Materials Considered Subfolder: STEVENSON00000001 – STEVENSON00005733 contains Dr. Stevenson's materials considered. This subfolder also contains materials in their native file format that are not bates numbered.
- Correspondence Subfolder: STEVENSONCORR00000001 – STEVENSONCORR00001510 are Dr. Stevenson's correspondence. This subfolder also contains email attachments in their native file format that we were unable to convert.

Robert Taylor

- C.V. Subfolder: TAYLORCV00000001 – TAYLORCV00000003 are Dr. Taylor's C.V., prior testimony, and billing rate information.
- Materials Considered Subfolder: TAYLOR00000001 – TAYLOR00007468 are materials considered by Dr. Taylor. The items in this subfolder and PI-Taylor00000001 to PI-Taylor00006648 which were previously produced prior to the preliminary injunction hearing, together make up the collection of Dr. Taylor's considered materials. There may be some duplication in these materials, but erring on the side of caution, we have included things twice rather than attempt to alleviate duplication and accidentally omit something.
- Correspondence Subfolder: TAYLORCORR00000001 – TAYLORCORR00000395 is correspondence with Dr. Taylor. There are a few items in this subfolder that do not have a bates number assigned to them.

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Chris Teaf

- C.V. Subfolder: TEAF000000001 – TEAF000000003 are Dr. Teaf's C.V., prior testimony, and billing rate information.
- Materials Considered Subfolder: TEAF000000001 – TEAF0000007671 contains materials considered by Dr. Teaf. This subfolder also contains materials in their native file format that are not bates numbered. In addition, Dr. Teaf reviewed the draft reports of Drs. Caneday, Cooke and Welch, Engel, Fisher, Harwood, Lawrence, Olsen and Stevenson.
- Correspondence Subfolder: TEAF000000001 – TEAF0000003571 are Dr. Teaf's correspondence. There are also native files in this subfolder.

Scott Wells

- C.V. Subfolder: WELL000000001 – WELL000000003 are Dr. Wells' C.V., prior testimony, and billing rate information.
- Materials Considered: This subfolder contains materials considered by Dr. Wells. These materials have not been bates numbered and are being provided in their native file format.
- Correspondence Subfolder: This subfolder contains Dr. Wells' correspondence, which is being produced in its native file format and which has not been bates numbered.

Berry Winn

- C.V. Subfolder: WINN000000001 – WINN000000002 are Dr. Winn's C.V., prior testimony, list of publications, and billing rate information.
- Materials Considered Subfolder: This subfolder contains a few items, but additional materials considered by Dr. Winn will be provided under separate cover from Bullock, Bullock & Blakemore.
- Correspondence Subfolder: This subfolder contains correspondence with Dr. Winn that is being produced in native file format.

Finally, I am also enclosing a CD which contains duplicate copies of TAYLOR000000001-00007467 and TEAF0000709-0007018. The difference between these images and the images on the hard drive is that they have been individually bates numbered. The numbering was not completed in time to include them on the hard drive but we are providing this CD in case you would like to use the numbered versions for ease of identification.

If you have any questions about this production, please let me know.

Sincerely,



Claire Xidis

CX/mmj

cc: *via email without enclosures:*

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